

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/20/2020
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____)	
YESSENIA MARIA RODRIGUEZ, Petitioner,)	
)	
-against-)	19-CV-9421 (GHW)
)	
UNITED STATES OF AMERICA, Respondent.)	01-CR-977-1 (GHW)
_____)	

ORDER

GREGORY H. WOODS, United States District Judge:

WHEREAS, Petitioner/Defendant Yesenia Rodriguez has filed a Motion to Withdraw Guilty Plea on the grounds that she received ineffective assistance of counsel in violation of her Sixth Amendment right and that her plea was therefore not knowingly and voluntarily entered (*see* ECF dkt. # 8); and

WHEREAS, the Court has construed this *pro se* Motion as a Petition for a Writ of Error Coram Nobis brought pursuant to the All Writs Act, 28 U.S.C. § 1651(a) (*see* ECF dkt. # 10), *see, e.g., United States v. Hernandez*, 283 F. Supp. 3d 144, 150 (S.D.N.Y. 2018); and

WHEREAS, the Government does not oppose the Petition;

THEREFORE, it is hereby ORDERED that the writ of error coram nobis is GRANTED and the Defendant's guilty plea and conviction in 01-cr-977-1 (GHW) are VACATED with prejudice.


SO ORDERED.

Dated: July 20, 2020

The Clerk of Court is directed to terminate the motions pending at Dkt Nos. 8 and 26 in Case No. 1:01-cr-977-1 (GHW) and to close Case No. 19-cv-9421.

SO ORDERED.

Dated: July 20, 2020


 GREGORY H. WOODS
 United States District Judge